

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF New York

-----X  
Kevin Beasley, Kevin Beasley  
Studio, LLC Plaintiff(s)/Petitioner(s),

Index No. 651397/2021

- against -

Bayview Auto Wreckers, Inc.,  
Michael Fanelli Defendant(s)/Respondent(s).  
-----X

NOTICE TO COUNTY CLERK – CPLR § 8019(c)

By order dated August 20, 2021, and entered on August 20, 2021, the Court directed the County Clerk to make an entry on the docket of this matter. As required by CPLR § 8019 (c), notice of the order is hereby given to the County Clerk with the request that the County Clerk make such entry. - Specifically to place this case on the appropriate trial calendar for a damages inquest.

Dated: \_\_\_\_\_

August 24, 2021  
NY, NY

Richard Lerner (Name)

Mazzola Lindstrom (Firm)

1350 Avenue of (Address)

the Americas, 2d Floor

NY, NY 10019 (Phone)

347-824-2006 (Fax)

richard@mazzolalindstrom.com (E-Mail)

Attorney(s) for Plaintiffs

[THE ORDER MUST ACCOMPANY THIS NOTICE AS A SINGLE PDF]

3/19/12

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
KEVIN BEASLEY, KEVIN BEASLEY  
STUDIO, LLC,

Index No.: 651397/2021

Plaintiff,  
-against-

**Notice of Entry**

BAYVIEW AUTO WRECKERS, INC.,  
MICHAEL FANELLI, DOES 1-10,

Defendants.  
-----X

Please take notice that the annexed order was entered by the office of the clerk of the  
court on August 20, 2021.

Dated: August 24, 2021  
New York, New York

MAZZOLA LINDSTROM, LLP

/s/ Richard E. Lerner  
By: Richard E. Lerner  
1350 Avenue of the Americas, 2nd Floor  
New York, New York 10019  
917.584.4864  
[richard@mazzolalindstrom.com](mailto:richard@mazzolalindstrom.com)

To: (via regular mail)  
Bayview Auto Wreckers, Inc.  
3333 Richmond Terrace  
Staten Island, New York 10303  
Michael Fannelli  
562 Hasbrouck Road  
Woodbourne, New York 12788

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

**PRESENT: HON. LAURENCE LOVE** **PART 63M**

*Justice*

-----X

KEVIN BEASLEY, KEVIN BEASLEY STUDIO, LLC,

Plaintiff,

- v -

BAYVIEW AUTO WRECKERS, INC., MICHAEL FANELLI,  
DOES 1-10

Defendant.

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**INDEX NO.** 651397/2021

**MOTION DATE** 08/19/2021

**MOTION SEQ. NO.** 002

**DECISION + ORDER ON  
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 002) 12, 13, 14, 15, 16, 17, 18

were read on this motion to/for JUDGMENT - DEFAULT.

Upon the foregoing documents, it is

Plaintiff served a summons and complaint in this action pursuant to CPLR § 308(2) by delivering the summons to a person of suitable age and discretion at Michael Fanelli's abode on March 19, 2021. and mailing a copy to defendant on March 19, 2021 and served Bayview Auto Wreckers, Inc. pursuant to BCL Section 306 on March 12, 2021. Over thirty days have elapsed since the completion of service in this action and defendants have failed to appear in this action. On June 15, 2021, plaintiff mailed additional copies of the summons and complaint to defendants pursuant to CPLR 3215(g). Plaintiff now moves to enter a default judgment pursuant to CPLR § 3215.

Plaintiff demonstrated the merits of their claim by submitting the affidavit of Kevin Beasley (see, CPLR 3215[f]; Henriquez v. Purins, 245 AD2d 337 [2nd Dept 1997]; Rafiq v. Weston, 171 AD2d 783 [2nd Dept 1991]; Woodson v. Mendon Leasing Corp., 100 NY2d 62 [NY 2003]). Said affidavit establishes as follows: Plaintiff is an artist who contracted with defendants

to crush a specific white 2008 Cadillac Escalade ESV having a VIN No. 1GYFK6 6898R163185. Plaintiff made specific arrangements with defendants to crush the vehicle in a specific manner at plaintiff's direction, documented by plaintiff's film crew. When plaintiff arrived on April 12, 2017, defendants had already commenced the crushing process. After the crushing was completed, defendants did not allow plaintiffs to inspect the crushed vehicle. It was subsequently revealed that defendants defrauded plaintiffs by crushing a standard model Escalade from an earlier model year, which was unsuitable for the artistic purpose that plaintiffs sought to achieve. Said fraud allegedly rendered the artwork worthless and caused damage to plaintiffs' reputation. It was subsequently revealed that defendants retained the 2008 Escalade and sold same to a third party. As such, plaintiffs have established a *prima facie* entitlement to judgment on their causes of action for Breach of Contract, Conversion, Breach of Bailment, Fraud, and Unjust Enrichment.

ORDERED that plaintiffs' motion is GRANTED in its entirety; and it is further

ORDERED that an assessment of damages against defendants is directed, and it is further

ORDERED that a copy of this order with notice of entry be served by the movant upon the Clerk of the General Clerk's Office (60 Centre Street, Room 119), who is directed, upon the filing of a note of issue and a certificate of readiness and the payment of proper fees, if any, to place this action on the appropriate trial calendar for the assessment hereinabove directed; and it is further

ORDERED that such service upon the Clerk of the General Clerk's Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-Filing" page on the court's website at the address [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)).

8/20/2021

DATE

CHECK ONE:

<input type="checkbox"/>
<input checked="" type="checkbox"/>

CASE DISPOSED

GRANTED

☐

DENIED

APPLICATION:

<input type="checkbox"/>
<input type="checkbox"/>

SETTLE ORDER

CHECK IF APPROPRIATE:

<input type="checkbox"/>
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INCLUDES TRANSFER/REASSIGN

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

NON-FINAL DISPOSITION

GRANTED IN PART

SUBMIT ORDER

FIDUCIARY APPOINTMENT

☐

OTHER

☐

REFERENCE



LAURENCE LOVE, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

KEVIN BEASLEY, KEVIN BEASLEY  
STUDIO, LLC,

Index No.: 651397/2021

Plaintiff,

-against-

## Affidavit of Service

BAYVIEW AUTO WRECKERS, INC.,  
MICHAEL FANELLI, DOES 1-10,

Defendants.

I, Steven Prifti, declare under penalty of perjury, that I am over the age of 18 and not a party to this action, and that on August 24, 2021, I served Plaintiffs Kevin Beasly and Kevin Beasly Studio, LLC's Notice of Entry and Decision and Order on Motion, upon defendants Bayview Auto Wreckers, Inc., and Michael Fannelli by regular mail at their respective principal addresses 3333 Richmond Terrace, Staten Island, NY 10303, and 562 Hasbrouck Road, Woodbourne, NY 12788

Dated: August 24, 2021  
New York, New York

MAZZOLA LINDSTROM, LLP

  
By: Steven Prifti  
Paralegal  
1350 Avenue of the Americas, 2nd Floor  
New York, New York 10019  
646.416.9870  
[steven@mazzolalindstrom.com](mailto:steven@mazzolalindstrom.com)

Sworn to before me  
This 24 day of August, 2021

  
Notary Public

RICHARD E. LERNER  
NOTARY PUBLIC, State of New York  
No. 021550222  
Qualified in Queens County  
Commission Expires September 8, 1998  
2022